

**Lebanon, Maine Planning Board  
Minutes – Regular Meeting - Workshop  
Thursday September 1st, 2016**

Members Present

P. Philbrick - Chairman  
S. Bright – Vice-Chairman  
C. Lunderville  
D. Harriman  
J. Griffin – Clerk

Others Present

Jordan Miles – Lebanon Treasurer  
Mike Beaulieu – Lebanon Code Enforcement  
Officer

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Chairman Philbrick called for a motion to open the meeting. The motion was made by S. Bright and seconded by C. Lunderville. The vote was taken and carried unanimously. Chairman Philbrick opened the meeting at 6:17 pm.

There is a quorum of members present and there are no conflicts of interest with any of the posted agenda items.

**Jordan Miles, Lebanon Treasurer/ Escrow account/Subdivision fees**

Mr. Miles came before the Board to answer questions concerning the current process of both escrow accounts and Subdivision fees as well as to discuss how these processes should be handled from this point forward. Mr. Miles answered the Boards questions and also stated that he would inquire with contacts some of the concerns.

Board: Where are the current escrow balances held?

Mr. Miles: The current escrow funds are in a bank account. They are not in the general fund.

Board: Are each of the escrow funds in their own account?

Mr. Miles: No. All of the escrow funds are in one account under the Town.

Board: So, there is not an “escrow account” in which there are “subcategories” of each individual escrow listed.

Mr. Miles: No, they are all listed under one account.

Board: What about interest, how is it determined?

Mr. Miles: A program automatically, depending on the amount of the escrow deposit and the rate at the time equally disperses the exact amount of interest accrued each month to the correct escrow.

Board: Is there a way that the current account can be closed and new accounts for each escrow be created?

Mr. Miles: This is the most efficient way to hold/process the accounts. To reconcile each account every month and to continually open and close accounts is not time effective. I will inquire with a contact as well as with the bank.

Board: Is there an early withdrawal fee if an account is only open for a short amount of time?

Mr. Miles: No

Board: Do you have this month's current statement?

Mr. Miles: Currently, June/2016 is the most recent statement that has been processed/reviewed. At this time, the general account and daily business is the main concern. Once I have the updated information I will give you a copy.

Mr. Bright: I can create a spreadsheet in which there can be a code for each transaction whether it be a deposit or a withdrawal for but not limited to: legal, engineering, consulting, etc. This information can then be printed out for each applicant every month as well as to keep in their file as a receipt of activity within the account.

Board: How were the funds separated from the general fund previously when they were switched to an "escrow account?"

Mr. Miles: This was in place when I started the position. You would have to contact the previous treasurer in order to have your question answered.

Board: Can there be another account opened from this point forward with escrow funds?

Mr. Miles: There is no reason to have another account opened, the past amounts have nothing to do with any future deposits.

J. Griffin, clerk will meet with Mr. Miles tomorrow, Friday, September 2<sup>nd</sup> at 7:00 am to discuss different ideas for a process moving forward. Vice-Chair S. Bright will also join the meeting later in the morning.

J. Griffin, clerk will contact area towns to inquire on their process(es) in handling escrow accounts.

6:50 pm Mr. Miles left the meeting.

## **Other Business**

Chairman Philbrick called for a motion to allow Code Enforcement Officer, Mike Beaulieu to address the Board. The motion was made by S. Bright and seconded by D. Harriman. The vote was taken and carried unanimously.

Mike Beaulieu, Lebanon Code Enforcement Officer brought to the attention the proposed construction of a Halloween attraction warehouse on T.M. Wentworth Road. This Warehouse is proposed to be a 50ft x 50ft warehouse with a 2 acre gravel parking lot which will have 650 feet of road frontage. An amusement permit is not applicable. The parking lot will need to be lined diagonally and also need a specified entrance as well as exit. Mr. Beaulieu will be requesting a tree buffer. His concerns are the high volume of traffic entering and exiting onto the road. How else will the structure be used during “off season”. The concern of no zoning, this will create a profit for owner with no additional taxes being collected by the Town.

This information was provided as an example as to why zoning is necessary in town and why a comprehensive plan is needed. There is no reason in which Code Enforcement can deny such projects for there is no zoning to prevent it.

The Planning Board, Select Board as well as Code Enforcement need to work together in order to compose wording to begin the process of creating a comprehensive plan to be brought before the residents as a referendum. Information concerning the positive impact a comprehensive plan would have needs to be aggressively publicized and explained to the residents. Literature, open meetings and networking are ways to accomplish this. Inform the residents that the town can receive grants to create a comprehensive plan with proof that they are currently and actively working on one.

Mr. Beaulieu also brought before the Board a resident request to give land to an abutter this way the land that the abutter acquired did not count as part of a “subdivision” in order to develop 2 other lots under (3) three years. The right of way to access the land which the abutter acquired would be used as “road frontage”.

This was also used as another example for the need of a comprehensive plan. There is no definition of a road within the town ordinances. Therefore a right of way or a logging road for instance could be considered a “road” for such purposes.

Discussion on creating a “flagging system” for applications, subdivisions, inspections, violations, etc. in order to ensure follow up in the event that a new Code Enforcement Officer or Planning Board for instance would be aware of these situations.

Mr. Beaulieu also suggested recording meetings and then streaming them through cable as another way to get information to the residents. Posting meeting minutes outside in the case for people to view for transparency for those who do not have access to a computer, sending out a quarterly newsletter from the Select Board about what is happening within the town, have the Planning board send out a newsletter on new projects in town, having members of boards present at town meetings and voting to answer questions.

Discussion on “Bonding roads” was introduced. This was mentioned to the Planning Board by an applicant’s representative which in turn was brought to the Road Commissioner. Wording for

this process should be a collaboration between the Planning board and the Road Commissioner to bring before the people for a vote. It needs to be explained to the residents so it is clear this is a positive measure to ensure that the tax payers are not paying for damages to town roads which are incurred by contractors/builders of subdivisions.

Mr. Beaulieu left the meeting at 7:25 pm.

### **Woodland Estates/Gay Ehler**

Chairman Philbrick made a motion not to hold a Public Hearing for the final approval based on the preliminary plan review Public Hearing results. The motion was seconded by S. Bright. The vote was taken and carried unanimously.

The Board reviewed the updated/corrected final plan which did meet the required conditions that the Board requested to have 25 foot setbacks from the wetlands shown on lots (1) one and (4) four as well as a notation stating as such under note #8.

Chairman Philbrick called for a motion to accept the Woodland Estates final plan as corrected with the required conditions met. The motion was made by S. Bright and seconded by D. Harriman. The vote was taken and carried unanimously.

The approved plans for Woodland Estates subdivision, both the Mylar copy and the paper copies were signed and dated by the Planning Board members. Planning Board Clerk, J. Griffin will contact Mr. Libby to pick up the signed plans to be recorded with the Registry of Deeds in Alfred, Maine.

The question "Is a tax identification number needed for the escrow account for the bank." Was brought up. The answer was unknown.

### **Workshop**

#### **Review Process and documentation of the Gay Ehler subdivision/Woodland Estates**

Process of Subdivision Review to be discussed in more detail at the next meeting.

The Clerk is to make copies of past appendix's sample forms some from past files and some from the internet that were found from S.M.R.P., Southern Maine Regional Planning as it was called in the past, now called S.M.P.D.C., Southern Maine Planning and Development Commission. Copies of sample forms were also found in other Towns Subdivision Regulations guide. These will be reviewed by the Board at the next meeting in order to create/update a new/the current process in which the board will utilize for reviewing and approving proposed subdivisions that come before the Board.

#### **Shoreland Zoning Ordinance questions**

How to go about making changes to the Shoreland Zoning ordinance was asked. The Planning Board will discuss and draw up the proposed change(s) to the ordinance. The proposed changes should be presented to the Select Board as well as the Code Enforcement Officer as a courtesy and if they have input prior to sending to the State for review. Once reviewed, two public hearings should be held to explain the proposed change(s) and to answer any questions. The

proposed change(s) will then be brought before the Select Board to be placed on the town ballot as a referendum to be voted upon by the residents. Information needs to be clear and available to the public in different avenues as to reach as many voters as possible in order for questions and concerns to be addressed prior to the vote in order to alleviate any misunderstanding. Example given was the proposed escrow account fee to be added to the Ordinance verbage so that if consultations, legal or engineering fees are needed/incurred, the town will not be held responsible for the payment, the fees will come out of the applicants escrow account. This was voted down. It is assumed that residents were unsure and or not aware and voted against the change misunderstanding that this is a beneficial change for the Town.

### **Comprehensive Plan questions/ideas/comments**

Much discussion took place in reference to how to begin the process of a “Comprehensive Plan”. Some but not all of the topics which were discussed are:

Creating a survey for the residents for their input on what they think a Comprehensive Plan should consist of and what it would accomplish. (There was a survey years ago that was created and sent to the residents, Clerk will try and find a copy for reference/model)

Holding an open Town meeting to inform/educate the residents of the want and need of a Comprehensive Plan and the benefits it would bring to the Town. Hold more open Town meetings to ask for and show residents that their input, concerns, ideas are important and much needed during this process.

How to get young families involved. Networking. School, sports and or club events/games and or meetings.

Research other Town Comprehensive Plans/Master Plans for ideas and or a model.

Slowly start working on an outline for a plan. Collecting information from various resources. There may be grants available for assisting the Town with the monetary aspect of the process.

More discussion will take place at the Next meeting on October 6<sup>th</sup>.

### **End of meeting reflection**

#### **What will the focus of the Planning board be moving forward**

- \* Setting a timeline for the research and creation of a Comprehensive Plan, (1) one year feasible?
- \* Reviewing the existing Subdivision process
- \* Bonding Roads
- \* Creating an absolute “Definition of a Road” to incorporate into the Town Ordinances

\* Proposing the Shoreland Zoning Ordinance change for application fee and escrow accounts to be brought before the residents again. Make sure that residents are aware of the proposed change(s) and that information explaining the reasoning as well as answering the most frequently asked questions is readily available.

## **Minutes**

Due to time, the minutes from the August 4<sup>th</sup> meeting were not reviewed.

Chairman Philbrick called for a motion to adjourn the meeting. The motion was made by S. Bright and seconded by D. Harriman. The vote was taken and carried unanimously. The meeting was closed at 9:10 pm by Chairman Philbrick.

*10 /6 /2016*

*Minutes were reviewed*

*Chairman Philbrick called for a motion to accept minutes with adjustments*

*The motion was made by S. Bright and seconded by C. Lunderville*

*The vote was taken. The vote carried unanimously*